

IN THE UNITED STATE DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-BRANCH

Hon. William Alsup

Case No. 07-03527 WHA
Declaration of Frederick C. Roesti
in opposition to summary judgment

1 prejudice defendants because this evidence was in defendant's hands since the date it took
2 plaintiff's deposition.
3

4 3. After I filed and served the memorandum and declaration of Edward E. Anderson
5 on May 15, 2008, fourteen days before the May 29, 2008 hearing date, which I thought in
6 good faith was filed in a timely manner based on the legal research of my law clerk regarding
7 the filing deadlines, I received a telephone call from the court's clerk, informing me that the
8 memorandum was in fact due 21 days before the hearing date. The clerk stated she would talk
9 with the court to advise me how the court preferred I proceed. I am filing this declaration
10 while I am waiting for the clerk to advise how the court would prefer I proceed.

11 4. Mr. Anderson filed his complaint in State Court. It was removed to Federal Court
12 on the grounds of diversity, although it only pleaded state causes of action, because Defendant
13 American Airlines, although operating out of the San Francisco International Airport, for
14 purposes of diversity jurisdiction, claimed citizenship in a state other than California.

15 5. I substituted in as plaintiff's attorney, and we requested Early Neutral Evaluation to
16 determine if the parties could reach a settlement in good faith, after Defendants had an
17 opportunity to take the deposition of Plaintiff Anderson, but before Plaintiff commenced
18 discovery. We were not able to do that.
19

20 6. I am submitting this Declaration to provide the Deposition Transcript Excerpts that
21 are referenced in plaintiff's memorandum of points and authorities in opposition to
22 defendant's motion for summary judgment. I was present at the deposition of plaintiff
23 Edward Anderson, and testify that the deposition transcript excerpts are true excerpts of the
24 deposition transcript..

25 7. A true copy of the Transcript excerpts of the Deposition of Edward E. Anderson
26 that are referred to in his memorandum of points and authorities in opposition to summary

1 judgment are attached hereto as Exhibit 1.

2 8. The deposition transcript excerpts at Exhibit I include transcript pages 38-40, 53-
3 55, 67, 69, 74-76, 89-92, 98-102, 131-136, 142, 181..

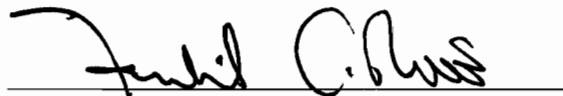
4 9. The memorandum of points and authorities in opposition to defendant's summary
5 judgment motion and the deposition transcript refer to and describe statements provided by
6 other sky caps who work for America Airlines at the San Francisco International Airport
7 regarding the treatment of plaintiff. These statements document the manner in which plaintiff
8 was isolated, and ostracized by management, and treated in a discriminatory manner by
9 defendant American Airlines, and the manner in which plaintiff continues to be isolated,
10 ostracized, and treated in a discriminatory manner by American Airlines.

11 10. A true copy of those questionnaires and statements from other sky caps who work
12 at American Airlines, either as employees of G-2, contracted to perform sky cap services at
13 America Airlines is attached hereto as Exhibit 2.

14 11. The memorandum of points and authorities and deposition transcripts refer to a
15 letter that American Airlines presented to Mr. Anderson for his signature in December, 2005
16 after defendant American Airlines instituted its \$2 dollar per bag service fee in August, 2005.
17 A true cop of this letter is attached hereto as Exhibit 3.

18 I have read the above statement and declare under penalty of perjury under the laws of
19 the State of California and the United States of America that it is true and accurate and that it
20 was executed in San Francisco, California on Monday, May 19, 2008.

21 Dated May 19, 2008

22 

23 Frederick C. Roesti

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24 **EXHIBIT NO. 1 TO ROESTI DECLARATION**

25
26 **EDWARD ANDERSON DEPOSITION EXCERPTS**

27 Case No. 07-03527 WHA
28 Declaration of Frederick C. Roesti
in opposition to summary judgment

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

EDWARD E. ANDERSON,

Plaintiff,

vs.

No. 07-CV-3527 WHA

AMR, The Parent of AMERICAN
AIRLINES, INC; AMERICAN AIRLINES,
and DOES 1 through 5, inclusive,

Defendants.

CERTIFIED
COPY

DEPOSITION OF EDWARD E. ANDERSON

San Francisco, California

Tuesday, January 8, 2008

REPORTED BY:
LYNNE LEDANOIS
CSR No. 6811

Job No. 79526

45:48 1 customer service -- and then the station manager --

46:02 2 Q Do you recall that person's name?

46:03 3 A No, I can't -- I had it written down, but I
46:08 4 can't recall his name. His first name was Arthur.
46:11 5 That's all I can tell you.

46:14 6 Q And did you meet one-on-one -- let's just start
46:19 7 with Mr. Olson.

46:21 8 Did you meet one-on-one with him or was it part
46:23 9 of the group meeting with other skycaps?

46:25 10 A It was a group meeting with the rest of the TWA
46:28 11 skycaps.

46:29 12 Q Was there one meeting with him or more than
46:31 13 one?

46:32 14 A We only had one at that time.

46:40 15 Q Do you remember what Mr. Olson said in that
46:43 16 meeting?

46:45 17 A Mr. Olson told us American's policy and all
46:48 18 that. Then me of all the rest, I'm the only one that
46:54 19 said, well, aren't we here under the TWA clauses, you
46:58 20 know. And he said, oh, no, this is -- he told me no.
47:02 21 And I said, well, I think we are, because our lawyer
47:05 22 told us that things would continue as the court has --

47:14 23 Q I'm sorry. I lost you.

47:19 24 A Everything stays as is.

47:19 25 Q Okay. You said that to Mr. Olson?

10:47:22 1 A I said it. Then he said, oh, no, no, no.

10:47:27 2 Q Now, you said a moment ago that he said what
10:47:33 3 American Airlines policy is?

10:47:36 4 A Policies were at that time. Informed us on
10:47:37 5 what to expect from American Airlines, and if we wanted
10:47:40 6 to -- you know, agreed with them and all that.

10:47:44 7 Q Do you remember what he said in that regard?

10:47:46 8 A Well, I do remember, because I told him they
10:47:52 9 came around and gave my shifts and told me there was
10:47:55 10 going to be a four-hour shift. And I said, well,
10:47:58 11 everything is supposed to be status quo. He said, what
10:48:02 12 do you mean? I said that it's supposed to be status quo
10:48:05 13 because we were under this court order.

10:48:09 14 And he said, oh, no, you're not under no court
10:48:12 15 order. You're here under American Airlines. I said,
10:48:16 16 no, we are under a court order. He said, oh, no. I
10:48:19 17 said, well, I'll tell you what, you better call Dallas
10:48:21 18 and find out for sure.

10:48:22 19 Q Did you speak to him again about that?

10:48:24 20 A Yes. In fact, he came to me about two or three
10:48:26 21 weeks later.

10:48:27 22 Q What did he say to you?

10:48:28 23 A He said, you're right. He said -- but he still
10:48:35 24 did not give me the added hours that I was supposed to
10:48:38 25 be under, the same as TWA.

EDWARD E. ANDERSON

01/08/08

10:48:41 1 Q Okay. So let me see if I understand.

10:48:46 2 You mentioned a moment ago that you thought
10:48:49 3 there were a total of maybe nine skycaps on your shift
10:48:54 4 at TWA --

10:48:55 5 A Yes.

10:48:56 6 Q -- and about 12 to 13 skycaps at TWA
10:48:59 7 altogether --

10:49:00 8 A Yes.

10:49:00 9 Q -- just before the acquisition?

10:49:02 10 A Well, close to that, yes.

10:49:03 11 Q I understand. It's approximate.

10:49:07 12 Do you know if all of the TWA skycaps became
10:49:12 13 American Airlines employee skycaps?

10:49:17 14 A No, they did not.

10:49:18 15 Q When you became an American Airlines skycap,
10:49:23 16 can you estimate for us how many other TWA skycaps also
10:49:28 17 joined American?

10:49:30 18 A From San Francisco, I think it was six of us.

10:49:43 19 Q When you joined American, were you the most
10:49:47 20 senior skycap at TWA?

10:49:50 21 A No. I was the lowest.

10:49:52 22 Q Okay. And do you know if the skycaps who
10:49:56 23 joined American joined because of their seniority at
10:50:00 24 TWA?

10:50:02 25 A No, I don't know that.

EDWARD E. ANDERSON

04/08/08

06:14 1 Q Did Arthur ever get back to you and tell you
06:21 2 what your hours were going to be?

06:23 3 A Arthur didn't, but he had Mr. Olson.

06:26 4 Q We've already talked about what Mr. Olson told
06:28 5 you?

06:29 6 A M-hm.

06:29 7 Q Yes? You have to answer with words. He talked
06:33 8 to you about it?

06:33 9 A And told me that I was right and that we were
06:36 10 under the court order and that my seniority, I should be
06:42 11 able to pick the time I want to come to work, you
06:44 12 know -- well, not just me pick the time.

06:49 13 But then he asked me what would I consider to
06:52 14 be a good time. That was after, you know. I said,
06:54 15 well, 6:30 or 6:00. He said, oh, no, we have too many
06:59 16 on that one. He said -- I said, okay, 8:00. And he
07:03 17 said, fine. He said, you'll work from 8:00 to 4:00.

07:07 18 Q Did that change?

07:09 19 A No. That's what I've been on ever since then,
07:12 20 but I still did not get my six hours that I should have.

07:16 21 Q You just said he told you 8:00 to 4:00?

07:20 22 A Yes -- I mean 8:00 to 12:00. I'm sorry.

07:27 23 Q That's fine. I just wanted to clarify.

07:29 24 So Mr. Olson is the one who told you that you
07:30 25 would be working from 8:00 to noon?

:33 1 A Right.

7:39 2 Q When did you first, if you can recall -- well,
7:43 3 never mind that.

7:44 4 When you began working for American Airlines in
7:48 5 2001, the skycaps did not collect this \$2 per bag fee;
7:56 6 right?

7:57 7 A No, they did not.

07:58 8 Q That went into effect in '05, I believe; right?

08:02 9 A Yes.

08:02 10 Q So let's talk about -- let's move from the
:08:05 11 period when American acquired TWA and we'll move forward
:08:09 12 to when that fee was instituted, but not quite there
:08:14 13 yet. Okay?

:08:17 14 MR. ROESTI: Will this be a good time for a
1:08:20 15 break?

1:08:20 16 MR. O'BRIEN: Yes. Good. Let's take a short
1:08:22 17 break, and I can look the documents that you and
1:08:24 18 Mr.~Anderson have that we've talked about earlier.

11:08:28 19 VIDEOGRAPHER: We are now going off the video
11:08:30 20 record. The time is 11:07 a.m.

21 (Recess Taken.)

11:24:05 22 VIDEOGRAPHER: We are now back on the video
11:24:07 23 record. The time is 11:23 a.m.

11:24:09 24 BY MR. O'BRIEN:

11:24:10 25 Q Let's go back chronologically, Mr.~Anderson, to

EDWARD E. ANDERSON

24:14 1 the point where I think we left off. We had gotten to
24:16 2 the point where the acquisition of TWA had gone through
24:19 3 and you had started working as a skycap for American,
24:22 4 and now we will move forward, but prior to the time that
24:27 5 the \$2 per bag charge was instituted, all right, so
24:32 6 that's the time period for these questions I'm going to
24:35 7 be asking you.

24:37 8 A All right.

24:39 9 Q When you started working as a skycap for
24:41 10 American in 2001, did you have a set location at the
24:46 11 curb that you always took during your shift?

24:50 12 A No.

24:51 13 Q How would you determine what position --

24:54 14 MR. ROESTI: Wait a minute.

24:55 15 You indicated with your hand that you might
24:57 16 want to say more. Did you complete your answer?

24:59 17 THE WITNESS: Well, sorry. I would like to say
1:25:01 18 more.

1:25:02 19 BY MR. O'BRIEN:

1:25:02 20 Q Sure.

1:25:07 21 A I had a location. It was at the west end of
1:25:09 22 the airport. All the contractors were down where the
1:25:13 23 heavy traffic came and I was up at the other end. There
1:25:16 24 was about three others up there with me at the time.
1:25:19 25 There was always three of us up there.

38:33 1 A Yes.

38:39 2 Q Let's go back then to the period between
38:41 3 December of '01, when American took -- when you went to
:38:46 4 work for American, and before the time that the bag
:38:49 5 charge was instituted.

:38:51 6 Did you have any kind of physical work station
:38:55 7 or podium that you worked at or were regularly assigned
:39:00 8 to during that period?

:39:02 9 A This was before? Yes.

:39:07 10 MR. ROESTI: I want you to be clear on the time
1:39:09 11 period. Don't just say "this is before."

1:39:11 12 So what time period are you talking about?

1:39:13 13 MR. O'BRIEN: I said several times after
1:39:15 14 December of '01, but before the bag charge was
1:39:19 15 instituted.

1:39:20 16 BY MR. O'BRIEN:

1:39:21 17 Q So go ahead.

11:39:22 18 A You asked me did I have a station?

11:39:26 19 Q Yes.

11:39:27 20 A No, I did not have -- well, I could work up
11:39:32 21 there at the west end, any one of the podiums that were
11:39:35 22 up there, which was three to four podiums, depending on
11:39:40 23 how busy they were.

11:39:52 24 Q When customers -- strike that.

11:39:54 25 When people would drive in to the curb to check

EDWARD E. ANDERSON

41:12 1 to the time that the bag charge was instituted, did you
41:18 2 ever put in for a transfer to any other city that
41:23 3 American flew out of?

41:24 4 A We were not allowed to put in for a transfer by
:41:28 5 court order. Everything stayed status quo. We were not
:41:34 6 allowed to work any overtime. All this stuff was on the
:41:38 7 status quo.

:41:40 8 Q So my understanding is, you did not try to
:41:46 9 transfer?

:41:46 10 A I spoke verbally to them, and they said that
:41:50 11 the contract -- in fact, when Mr. Olson talked to us,
:41:55 12 TWA skycaps said they went along with Arthur, they told
.:42:06 13 us then that we would not be able to transfer. They
.:42:06 14 told us this.

1:42:07 15 MR. ROESTI: And then you said something to
1:42:09 16 them at the time then; is that correct?

1:42:12 17 THE WITNESS: I said that's bad. I would like
1:42:14 18 to transfer to St. Louis. But that was it. You know,
1:42:17 19 you're not allowed to do those things.

1:42:19 20 BY MR. O'BRIEN:

1:42:20 21 Q That was applied to all of the skycaps?

1:42:23 22 A Yes.

1:42:23 23 Q And you said a moment ago you could not work
1:42:25 24 overtime?

1:42:26 25 A No overtime.

11:47:38 1 A No, I never gave up any hours. I could not
11:47:44 2 pick up any hours at all, none whatsoever.

11:47:44 3 Q Would you change shifts to trade days that you
11:47:47 4 worked sometimes?

11:47:50 5 A No, because the TWA skycaps were working
11:47:56 6 mornings.

11:47:58 7 Q All of them were?

11:48:00 8 A All of them, yes.

11:48:01 9 Q Including you?

11:48:02 10 A M-hm.

11:48:02 11 Q You have to answer yes.

11:48:04 12 A Yes, after I once got it settled that -- I was
11:48:10 13 put behind -- I was even put behind the contractors.
11:48:13 14 They were working mornings and I was working in the
11:48:17 15 evening. What I mean, I come in at 10:00 and work to
11:48:20 16 2:00. There's nothing going on at that time.

11:48:23 17 Q And that was something that affected all of the
11:48:29 18 TWA skycaps?

11:48:31 19 A No. Only me.

11:48:33 20 Q What period of time are you talking about?

11:48:36 21 A From 10:00 to 2:00.

11:48:37 22 Q Okay.

11:48:38 23 A When I should have been working early morning,
11:48:40 24 because the contractors, they had given all the good
11:48:44 25 shifts to them and had me on the worst shift there was.

EDWARD L. ANDERSON

Q You were the least senior of the TWA -- former TWA skycaps at that point?

A Yes.

Q Okay. I understand. Let's then move up to August of 2005, when this bag charge is instituted.

Before the bag charge is instituted, how much money were you making in tips?

A Before, I would say anywhere from maybe 75 to \$80, even maybe some days 100.

Q But you have no record of that?

A No, I don't have records.

Q Do you remember earlier this year you filed a claim with the labor commissioner for lost tips?

A Yes.

Q Do you remember the amount that you claimed to have been lost?

A I think I told them anywhere from 75 to \$100, I believe.

Q Do you remember what the total amount was in that claim?

A No, I don't, because --

MR. ROESTI: Again, you're talking per day; is that correct, or per week?

MR. O'BRIEN: No, I was talking about the amount of his claim.

EDWARD E. ANDERSON

1:49:56 1 MR. ROESTI: I'm talking about -- he's talking
1:49:59 2 figures 75 to 80. That was per day.

1:50:02 3 THE WITNESS: That was per day.

1:50:03 4 BY MR. O'BRIEN:

1:50:03 5 Q I understand your testimony in that regard, but
1:50:06 6 I've moved on to a different topic.

1:50:08 7 With respect to your labor commissioner claim,
1:50:11 8 you claim total lost tips of \$4,000 total; is that
1:50:15 9 right?

1:50:16 10 A That was for the period of time that -- at that
1:50:19 11 time when I filed, yeah, that was probably it.

1:50:22 12 Q That was from August of '05 to February of this
1:50:25 13 year -- or February of '07 rather?

1:50:28 14 A Probably.

1:50:29 15 Q Okay. So for that period of time, you claimed
1:50:36 16 that you had lost tips of \$4,000?

1:50:39 17 A Close to it, I guess.

1:50:46 18 At that time when I did that, I figured -- I
1:50:46 19 don't remember exactly what it was, but I figured from
1:50:47 20 the amount of money that I did not get from tips.

1:50:52 21 Q What are you making in tips now?

1:50:54 22 A I get anywhere from -- oh, the highest I get, I
1:51:00 23 would say, is about 55, \$60, something like that.

1:51:04 24 Q Per shift?

1:51:06 25 A And that's on good days. Most of the time it's

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12:04:07 1 the \$2-per-bag fee, did you have to start using a podium
12:04:11 2 with a computer on it to do something different than
12:04:14 3 what you had done before that fee was instituted?

12:04:19 4 A Yes.

12:04:20 5 Q Did you start working with a podium that had a
12:04:22 6 computer?

12:04:23 7 A Yes.

12:04:24 8 Q And was this slightly different than what you
12:04:29 9 had worked with before?

12:04:29 10 A No.

12:04:30 11 Q Was there any difference in what you had to do
12:04:32 12 with the computer than what you had done before?

12:04:41 13 A No.

12:04:42 14 Q You would look up, for example, their
12:04:43 15 reservation, their itinerary, issue the claim check,
12:04:47 16 issue the bag tag; right?

12:04:49 17 A Yes.

12:04:49 18 Q That was true both before the \$2 fee went into
12:04:52 19 effect and afterwards?

12:04:54 20 A No. My podium was down there with theirs when
12:04:59 21 it started on the 15th.

12:05:00 22 Q Still at the west end?

12:05:02 23 A No. It was at the east end --

12:05:04 24 Q Let's back up then.

12:05:04 25 A -- with them.

EDWARD E. ANDERSON

5:05 1 Q Let's back up then a minute because we missed
5:09 2 that part.

5:10 3 When you started working as an American
5:12 4 employee, my understanding of your testimony was you
5:15 5 worked at the west end of the curb?

5:17 6 A Yes.

5:18 7 Q Did you change to the east end at some point?

5:20 8 A They had us over at the east end only when they
5:23 9 started the initiation of a \$2 per bag.

5:27 10 Q So were all of the skycaps at that point at the
5:30 11 east end?

5:33 12 A Not all of them, but -- yes, I guess they were.
5:35 13 Because the belt was broke, or something, down at the
5:38 14 other end, so they were all up there.

5:40 15 Q When the bag fee went into effect in August of
5:42 16 '05, counting you plus any other skycaps who were
5:50 17 working, including the ones who worked for Globe, how
5:53 18 many skycaps would you estimate were working during the
5:56 19 shift you were working?

5:59 20 A At the east end, you're talking about?

6:04 21 Q Total.

6:05 22 A Total, I would say -- well, at that time, it
6:08 23 had to be about six or seven, I believe, including --
6:12 24 five or six or seven.

6:14 25 Q Working the same shift as you?

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2:06:16 1 A Yes.

2:06:17 2 Q How many skycaps work now the same shift as
2:06:20 3 you?

2:06:21 4 A Well, it depends on time of the year, but right
2:06:24 5 now, there's three down there at their end and I'm up at
2:06:28 6 the other end.

2:06:31 7 Q Is three an average for the year?

2:06:34 8 A No.

2:06:36 9 Q What would be the highest number at the present
2:06:38 10 time?

2:06:39 11 A I think, if I can remember correctly, to the
2:06:43 12 best of my recollection, there would be anywhere from
2:06:46 13 five to six on a busy day.

2:06:50 14 Q That would be like, for example --

2:06:52 15 A Weekends. Holidays.

2:06:55 16 Q -- around Thanksgiving?

2:06:57 17 A And weekends.

2:07:01 18 Q But now you say there were only three skycaps?

2:07:05 19 A Working, yes.

2:07:07 20 Q On the same shift as you?

2:07:09 21 A Yes. They got rid of some.

2:07:11 22 Q Have you continued to work at the east side?

2:07:14 23 A No. I only worked at the east end just two
2:07:17 24 days when they started the program of the \$2 a day. I
2:07:26 25 worked there two days, and they moved me from there --

EDWARD L. ROESTI

up there by myself. The others were still down there after those two days.

Q Those are all the Globe contract employees?

A Yes, all Globe contractors down there.

Q Okay. Did someone who was a supervisor tell you that you need -- this is where you need to work?

A Yes.

Q Who?

A First of all, they had somebody come in from Globe. They had a black lady who was in charge and they were setting up -- and they decided to move me from there up there by the -- to where I was up by myself.

Q My question was a little bit different.

Did any American employee tell you that?

A No, an American employee did not tell me. Because they changed my code and everything else when they moved me up there. I had the same code before, and they moved me from there up there. And they changed my code and gave me a separate --

MR. ROESTI: When you say a phrase like "up there," you know, I don't know what you're talking about. So if you could say up there on the east or the west end.

THE WITNESS: On the west end.

MR. O'BRIEN: Okay. Let's take two seconds so

EDWARD E. ANDERSON

01/06/00

1:04:23 1 Q That was --

1:04:24 2 A They were checking the whole American thing,
1:04:26 3 and so they gave me that and they gave me a new code.
1:04:30 4 Then I asked Jocelyn and she said, that's your podium.
1:04:33 5 Nobody is supposed to bother it. That is yours.

1:04:38 6 Q Do you know who this person from Seattle was?

1:04:41 7 A No. She was with -- overseeing their whole
1:04:45 8 operations. That's all I know.

1:04:46 9 Q Was she a Globe employee?

1:04:49 10 A Could have been.

1:04:49 11 Q You don't know one way or the other?

1:04:51 12 A No, I don't know.

1:04:53 13 Q And then after that, Jocelyn indicated that's
1:04:55 14 your podium?

01:04:56 15 A That that was my podium.

01:04:58 16 Q Now, earlier we talked about the fact that when
01:05:01 17 you started working at the curbside for American, there
01:05:06 18 were more skycaps altogether then than there are now;
01:05:12 19 right?

01:05:13 20 A Yes.

01:05:13 21 Q So the number of skycaps for American at SFO
01:05:17 22 has gone down over the years?

01:05:19 23 A Yes.

01:05:21 24 Q And before you -- when you were describing the
01:05:24 25 physical layout to us earlier, you talked about there

EDWARD E. ANDERSON

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1:05:28 1 being an east curb and a west curb.

1:05:31 2 Does everybody work at the same curb now?

1:05:36 3 A There is a miscommunication on that.

1:05:38 4 Q Okay.

1:05:39 5 A It's one curb. And there is an east end of the
1:05:42 6 curb and then there is a west end of the -- of American
1:05:46 7 Airlines, you know. So it's the same curb, but just on
1:05:50 8 different ends of the building. I'm at the last door of
1:05:55 9 American Airlines.

1:05:56 10 Q And if I go inside from the curb, is there an
1:06:00 11 American ticket counter inside the whole length of that
1:06:03 12 curb?

1:06:04 13 A There was until the Midwest and Canadian
1:06:07 14 Pacific -- Canadian Airlines is in there.

1:06:09 15 Q So the counter is a little bit smaller?

1:06:11 16 A It's not too much smaller, but it is smaller,
1:06:14 17 yes.

1:06:15 18 Q And did that move you?

1:06:19 19 A No.

01:06:20 20 Q So are you physically in front of the other
01:06:23 21 airlines?

01:06:24 22 A Yes, I am.

01:06:28 23 Q Are you under an American Airlines sign?

01:06:30 24 A No. I was until they moved those in. And then
01:06:35 25 before when they moved them in, they had American up

6:38 1 there also. Then they took American completely out, and
6:41 2 they have Midwest and Air Canada now.

6:46 3 Q Have you -- since that change has occurred
6:50 4 where these other airlines have taken over some of the
6:53 5 counter space, have you spoken to any of your managers
07:00 6 or supervisors about moving down the curb so you're in
07:03 7 front of an American ticket counter?

07:05 8 A They cannot move me down there.

07:06 9 Q Why is that, sir?

07:07 10 A Because the belt is up there. I've got a
07:11 11 separate belt up there, and they have a separate belt at
07:14 12 the other end. They are only at each end, the east end
07:16 13 and the west end.

07:18 14 Q Okay.

07:19 15 A So they would not be able to move me.

07:21 16 Q I understand that now. Thanks for clarifying
07:23 17 that.

07:24 18 So there are actually two belts and they're
07:25 19 totally separate from one another?

07:27 20 A Correct.

07:28 21 Q Are you the only skycap servicing American's
07:32 22 belt at that point --

07:33 23 A Yes.

07:33 24 Q -- or at that location?

07:35 25 A Yes.

01:08:45 1 Q She said, I don't know?

01:08:46 2 A I don't know.

01:08:47 3 Q Did she say she would try to find out why?

01:08:50 4 A No, she did not say that to me.

01:08:56 5 Q Have you asked Mr. Olson if you could move to

01:08:58 6 the other belt?

01:08:59 7 A I used to ask Ron all the time. I would go

01:09:03 8 back in the back where their office was whenever the

01:09:06 9 machine was broken and I asked them if I could use

01:09:08 10 another podium. They tell me, no, that's your podium

01:09:11 11 and you stay there. I said it's broke. They said,

01:09:14 12 that's your podium. So that was it.

01:09:18 13 Q Let me ask you a question about how you

01:09:20 14 actually use the equipment to do your job.

01:09:23 15 Is the podium you use movable?

01:09:26 16 A Yes.

01:09:26 17 Q That's on wheels?

01:09:28 18 A M-hm.

01:09:28 19 Q You have to answer with words.

01:09:30 20 A Yes. I'm sorry.

01:09:31 21 Q That's okay. That's fine.

01:09:37 22 So that is portable? It can be moved?

01:09:37 23 A Yes.

01:09:38 24 Q Do you physically push it out in the morning --

01:09:41 25 A Yes, I do.

01:40:27 1 you turn it on, supposedly.

01:40:29 2 Q Is this the head that you're referring to?

01:40:31 3 A There is a head on the printer, yes. You raise
01:40:33 4 it up and you rub it with this little alcohol pad that
01:40:36 5 they have for that, and that solves that part of it.

01:40:41 6 Q So you clean the head and you load blank bag
01:40:48 7 tags?

01:40:48 8 A Right.

01:40:49 9 Q Is there any other maintenance?

01:40:50 10 A And blank boarding cards. And that's it.

01:41:05 11 Q Do you know if any of the other skycaps, the
01:41:07 12 ones who work for Globe, do anything to maintain the
01:41:10 13 machines other than these things you've mentioned that
01:41:12 14 you do?

01:41:12 15 A No, they come up to check mine all the time and
01:41:14 16 see if everything that they know about is working, if
01:41:18 17 it's on, and if they have this. That's about it.

01:41:23 18 Q Okay. When you started working the American
01:41:31 19 curb in 2001, we talked about the fact that you had a
01:41:34 20 machine then that did some of these functions too -- it
01:41:39 21 printed the boarding pass, printed the bag tags, you
01:41:42 22 could check passenger itineraries; right?

01:41:46 23 A Yes.

01:41:49 24 Q Was there anything else that those machines did
01:41:52 25 before the \$2 fee was instituted that is different than

EDWARD L. ROESTI

01:41:56 1 what they do now?

01:41:57 2 A No.

01:41:59 3 Q After the \$2 fee was instituted, was there
01:42:03 4 anything additional that the machines did that they did
01:42:06 5 not do before?

01:42:07 6 A No.

01:42:09 7 Q To the best of your observation, are they the
01:42:12 8 same kind of machines?

01:42:13 9 A They are the same machines except when they --
01:42:19 10 just less than a year ago they bought new monitors and
01:42:24 11 installed them in all of them and keyboard. We had --
01:42:28 12 when we first started out, we had just a punch keyboard.

01:42:35 13 Q Do you have a regular --

01:42:36 14 A Right now, they have a keyboard and a different
01:42:40 15 monitor --

01:42:42 16 Q But otherwise --

01:42:43 17 A -- and a mouse.

01:42:44 18 Q But are the machines the same otherwise as they
01:42:47 19 were in '01 when you started at American?

01:42:50 20 A No.

01:42:53 21 MR. ROESTI: Wait a second.

01:42:58 22 MR. O'BRIEN: You can ask him questions when
01:43:00 23 you want.

01:43:01 24 BY MR. O'BRIEN:

01:43:01 25 Q That's why I asked the questions I did a minute

EDWARD L. SARNOFF

01:43:04 1 ago. Let me back up a minute here.

01:43:16 2 Before the bag fee was instituted in '05, the
01:43:21 3 machines that you used, you could use to print a
01:43:25 4 boarding pass, print a bag tag and check itineraries;
01:43:31 5 right?

01:43:32 6 A No. Check itineraries, that was -- when they
01:43:36 7 give you an itinerary, you just use that on your
01:43:39 8 computer to bring up the tag and the boarding card.

01:43:42 9 Q That would print out the final tag for wherever
01:43:45 10 the bag had to go?

01:43:47 11 A Right.

01:43:47 12 Q Print out the final destination for the
01:43:51 13 boarding pass?

01:43:52 14 A Yes.

01:43:52 15 Q If there were multiple legs, could you print
01:43:55 16 out a boarding pass for each of the legs for the
01:43:58 17 passenger?

01:43:58 18 A Yes.

01:43:59 19 Q And the machine as you use it now, you do all
01:44:03 20 of those things too?

01:44:05 21 A Well, once you put your key in there and you
01:44:07 22 get the person's identification with their name and all
01:44:11 23 that, it prints -- it does it all automatically. It
01:44:13 24 does the final destination. If it's for three legs, it
01:44:18 25 automatically does that. And then you repeat it back to

EDWARD E. ANDERSON

01/08/08

01:44:21 1 the passenger. And if one of the legs is missing, they
01:44:24 2 say, well, so and so -- you say, well, you have to go
01:44:26 3 inside and they will take care of that for you.

01:44:29 4 Q You mentioned that recently they changed the
01:44:31 5 monitors?

01:44:32 6 A Yes.

01:44:32 7 Q And they gave you keyboards?

01:44:34 8 A Yes, a keyboard and a mouse.

01:44:38 9 Q Has the rest of the podium stayed the same over
01:44:41 10 the years?

01:44:42 11 A Yes, the podium has.

01:44:43 12 Q Is it the same kind of podium that the Globe
01:44:48 13 contractors use?

01:44:49 14 A Same.

01:44:49 15 MR. ROESTI: Same.

01:44:50 16 MR. O'BRIEN: Thanks for clarifying that.

01:44:57 17 MR. ROESTI: I --

01:44:58 18 MR. O'BRIEN: Sorry?

01:44:58 19 MR. ROESTI: I didn't know if you were done or
01:44:58 20 what you were -- you said something and --

01:44:59 21 MR. O'BRIEN: I said thank you for clarifying
01:45:01 22 that.

01:45:02 23 MR. ROESTI: Sorry.

01:45:10 24 MR. O'BRIEN: No problem.

01:45:10 25 Let's take a five- or ten-minute break.

EDWARD E. ANDERSON

05/19/08

01:45:14 1 VIDEOGRAPHER: We are going off the video
01:45:16 2 record. The time is 1:44 p.m.

3 (Recess Taken.)

01:57:14 4 VIDEOGRAPHER: We are now back on the video
01:57:15 5 record. The time is 1:56 p.m.

01:57:17 6 BY MR. O'BRIEN:

01:57:18 7 Q Mr. Anderson, let me see if I can try to
01:57:22 8 understand something.

01:57:23 9 Is the reason that you are -- is one of the
01:57:27 10 reasons you're upset with your working conditions now is
01:57:30 11 that you're not working the east end of the curb?

01:57:36 12 A Well, I would like to be where there is money,
01:57:38 13 yes.

01:57:40 14 Q So you want to be at the east end of the curb?

01:57:43 15 A I would like to be where there -- yes.

01:57:44 16 Q Would you be happy at the west end if the
01:57:47 17 machine worked all the time or if you had one that you
01:57:50 18 could switch to when your regular machine broke?

01:57:53 19 A Not really, because I'm out there where nobody
01:57:55 20 makes any money at the end. They all stop down there.
01:57:57 21 They'll be bunched up down at the east end and I'm up
01:58:01 22 there doing nothing for a half-hour, 15, 20 minutes.
01:58:06 23 Nobody comes up there.

01:58:07 24 And then occasionally, somebody who's late for
01:58:10 25 a flight, and they look down there, they will run down

EDWARD E. ANDERSON

01:58:13 1 and say, What's going on? I say, I'm blackballed.
01:58:16 2 That's all. They say, What do you mean? I say, That's
01:58:21 3 all right. Just give me your identification.

01:58:23 4 And then I check their bag. And they say, I
01:58:28 5 don't understand it. All those people down there, and
01:58:29 6 here you are up here doing nothing. My podium says
01:58:34 7 American Airlines on it, just as big, just like all the
01:58:37 8 rest of it.

01:58:38 9 Q So the passengers are not driving up there?

01:58:40 10 A No.

01:58:44 11 Q And the reason that there is no podiums
01:58:46 12 available at the east end is because that's where the
01:58:49 13 Globe people are already working?

01:58:50 14 A Correct.

01:58:51 15 Q And they are already working because they start
01:58:53 16 earlier in the day?

01:58:54 17 A Yes. And I'm not supposed to be down there.

01:59:00 18 Q You're supposed to stay at your station?

01:59:02 19 A Yes.

01:59:03 20 Q Is there any reason you cannot start earlier?

01:59:05 21 A That I can't do what?

01:59:07 22 Q Start earlier in the workday.

01:59:08 23 A It still would be for four hours. I don't care
01:59:11 24 what time I start. I tried to get earlier when they --
01:59:14 25 I tried even 6:30, and they told me no, that was too

EDWARD E. ANDERSON

02:04:11 1 THE WITNESS: But it was not in 2005. This was
02:04:15 2 in 2001 when that took place.

02:04:21 3 BY MR. O'BRIEN:

02:04:21 4 Q When you suggested 8:00 as the start?

02:04:24 5 A I did not suggest it. This was after he had
02:04:28 6 given me a shift of 10:00 to 2:00 in '02 -- I mean, '01,
02:04:34 7 whenever it was, when I first began, and I told him then
02:04:38 8 that you do not put any contractors over a regular
02:04:43 9 employee, and he told me, I can do anything I want. I
02:04:47 10 do it. He said, I'm going to do. I said, Well, you're
02:04:52 11 wrong. I said, If you don't believe me, check with
02:04:55 12 Dallas. Because we're under court order that everything
02:04:58 13 stayed as status quo.

02:05:00 14 And as it was, status quo, I was working six
02:05:06 15 hours for TWA, and I should have came over at American
02:05:06 16 working six hours too.

02:05:06 17 Now, American Airlines does honor everything
02:05:10 18 else that was in that status quo, like you cannot
02:05:13 19 transfer, things of the nature like that, they honor
02:05:18 20 that.

02:05:18 21 Q What did you say to him, though, about the
02:05:20 22 start time -- about changing the start time?

02:05:23 23 A He did not change it until about three weeks
02:05:26 24 later, approximately three weeks later.

02:05:27 25 Q I understand that when he did it --

03:19:29 1 Q And who did you ask?

03:19:31 2 A At the time, it was Ron Olson and Mr. --
03:19:33 3 Arthur.

03:19:37 4 Q Mr. Arthur? Do you know last name -- is that
03:19:42 5 the first name or last name?

03:19:45 6 A That was his first name.

03:19:47 7 Q And what reason did Mr. Olson -- did Mr. Olson
03:19:52 8 allow you to work six hours a day?

03:19:54 9 A No, he did not.

03:19:55 10 Q Did he give you a reason why you could not?

03:19:57 11 A Yes.

03:19:58 12 Q What was his reason?

03:19:59 13 A The reason was that nobody in American Airlines
03:20:00 14 system in San Francisco works six-hour shift days.

03:20:06 15 Q And since that time, have you determined
03:20:08 16 whether there are people in the American Airlines system
03:20:11 17 that work six-hour days?

03:20:13 18 MR. O'BRIEN: Objection, lack of foundation.

03:20:17 19 THE WITNESS: Less than a week after that, I
03:20:18 20 found out that there were agents working six hours a
03:20:22 21 day, ticket agents. And down on the ramp they had other
03:20:26 22 guys working part-time.

03:20:27 23 BY MR. ROESTI:

03:20:28 24 Q When you say "down on the ramp," what do you
03:20:29 25 mean?

EXHIBIT NO. 2 TO ROESTI DECLARATION

QUESTIONNAIRE STATEMENTS OF SKY CAPS

Case No. 07-03527 WHA
Declaration of Frederick C. Roesti
in opposition to summary judgment

This is a confidential questionnaire for EDWARD ANDERSON

The answers to these questions shall not be given to your employer without your permission. The information is for Ed Anderson's attorney, Fred Roesti, Tel 415-552-3733.

1. Name KURT DEANG Telephone (650) 359-2132
2. Age 37
3. How long have you worked as a Skycap at SFO? 20 YEARS
4. What is your location on the curb? EAST END OF AMERICAN WLB
5. What is Ed Anderson's location on the curb? WEST END
6. How much has your income decreased since the \$2.00 per bag charge? 50%
7. When Ed Anderson's computer breaks down can he use other computers? NO
8. Are you allowed to use more than one computer? YES
9. Is Ed Anderson prohibited from using more than one computer? YES
10. Do you have bag runners to carry golf clubs and special items to the belt? YES
11. Does Ed Anderson have bag runners to carry special items to the belt? NO
12. How many hours is your shift? 32/Hr WEEK
13. Is Ed Anderson treated unfairly by his employer? YES

Explain: COMPUTER BROKE OFTEN / NO CARS ON HIS END

14. May we use your name to support Ed's case? YES

My answers are true.

Dated: 10-31-07

Signature

Kurt

This is a confidential questionnaire for EDWARD ANDERSON

The answers to these questions shall not be given to your employer without your permission. The information is for Ed Anderson's attorney, Fred Roesti, Tel 415-552-3733.

1. Name PATRICK JACK Telephone (650) 347-4583
2. Age 59
3. How long have you worked as a Skycap at SFO? 17 YEARS
4. What is your location on the curb? EAST END AMERICAN CURB
5. What is Ed Anderson's location on the curb? WEST END
6. How much has your income decreased since the \$2.00 per bag charge? 50%
7. When Ed Anderson's computer breaks down can he use other computers? NO
8. Are you allowed to use more than one computer? YES
9. Is Ed Anderson prohibited from using more than one computer? YES
10. Do you have bag runners to carry golf clubs and special items to the belt? SOMETIMES
11. Does Ed Anderson have bag runners to carry special items to the belt? NO
12. How many hours is your shift? 32 HRS. PER WEEK
13. Is Ed Anderson treated unfairly by his employer? YES

Explain: COMPUTER BREAKS OFTEN

14. May we use your name to support Ed's case? YES

My answers are true.

Dated: 12-31-07

Signature

Patrick Jack

This is a confidential questionnaire for EDWARD ANDERSON

The answers to these questions shall not be given to your employer without your permission. The information is for Ed Anderson's attorney, Fred Roesti, Tel 415-552-3733.

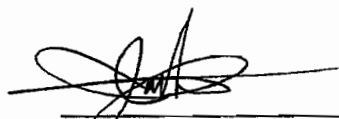
1. Name FIDEL LACAMARA Telephone (510) 207-8122
2. Age 30
3. How long have you worked as a Skycap at SFO? 9 YEARS
4. What is your location on the curb? EAST END OF AMERICAN CURB
5. What is Ed Anderson's location on the curb? WEST END
6. How much has your income decreased since the \$2.00 per bag charge? FROM SKYCAP TO BAG RUNNER
7. When Ed Anderson's computer breaks down can he use other computers? NO
8. Are you allowed to use more than one computer? YES
9. Is Ed Anderson prohibited from using more than one computer? YES
10. Do you have bag runners to carry golf clubs and special items to the belt? YES
11. Does Ed Anderson have bag runners to carry special items to the belt? NO
12. How many hours is your shift? 32/Hr
13. Is Ed Anderson treated unfairly by his employer? YES

Explain: OFTEN WHEN COMPUTER DOWN

14. May we use your name to support Ed's case? YES

My answers are true.

Dated: 11-1-07


Signature

11-1-07

This is a confidential questionnaire for EDWARD ANDERSON

The answers to these questions shall not be given to your employer without your permission. The information is for Ed Anderson's attorney, Fred Roesti, Tel 415-552-3733.

1. Name Ray LLOREDA Telephone (650) 784-6052
 2. Age 39
 3. How long have you worked as a Skycap at SFO? APPROX. 20 YRS.
 4. What is your location on the curb? EAST END OF AA CURB
 5. What is Ed Anderson's location on the curb? WEST END OF AA CURB
 6. How much has your income decreased since the \$2.00 per bag charge? 50 %
 7. When Ed Anderson's computer breaks down can he use other computers? No
 8. Are you allowed to use more than one computer? YES
 9. Is Ed Anderson prohibited from using more than one computer? YES
 10. Do you have bag runners to carry golf clubs and special items to the belt? YES
 11. Does Ed Anderson have bag runners to carry special items to the belt? No
 12. How many hours is your shift? 28 HRS / WEEK
 13. Is Ed Anderson treated unfairly by his employer? YES
- Explain: IF HIS COMPUTER BREAKS DOWN HE CAN'T CHECK BAGS ANYMORE.

14. May we use your name to support Ed's case? YES

My answers are true.

Dated: 11-05-07

Signature 

This is a confidential questionnaire for EDWARD ANDERSON

The answers to these questions shall not be given to your employer without your permission. The information is for Ed Anderson's attorney, Fred Roesti, Tel 415-552-3733.

1. Name Stephen Olson Telephone _____
 2. Age 52.
 3. How long have you worked as a Skycap at SFO? 20 years
 4. What is your location on the curb? First Third
 5. What is Ed Anderson's location on the curb? First
 6. How much has your income decreased since the \$2.00 per bag charge? \$100 per
 7. When Ed Anderson's computer breaks down can he use other computers? yes every month
 8. Are you allowed to use more than one computer? yes
 9. Is Ed Anderson prohibited from using more than one computer? yes
 10. Do you have bag runners to carry golf clubs and special items to the belt? no
 11. Does Ed Anderson have bag runners to carry special items to the belt? no
 12. How many hours is your shift? 33 hrs
 13. Is Ed Anderson treated unfairly by his employer? yes
- Explain: machines broke
- _____
- _____
14. May we use your name to support Ed's case? yes

My answers are true.

Dated: 10 31 05

Signature

Stephen Olson

EXHIBIT NO. 3 TO ROESTI DECLARATION

AMERICAN AIRLINE LETTERS TO ANDERSON

Case No. 07-03527 WHA
Declaration of Frederick C. Roesti
in opposition to summary judgment

American Airlines®

August 11, 2005

Dear Edward Anderson:

In today's highly competitive environment, American must constantly change and adapt to meet the needs of our customers, while doing everything we can to return to profitability. Throughout every aspect of our operation, we are finding new ways of doing business that lower costs and build for our financial future.

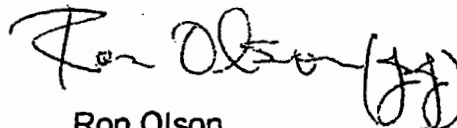
One of the initiatives that we are currently testing in other cities is charging a \$2 fee for each bag checked at curbside. We are working with our vendors in these locations to identify opportunities to lower costs while continuing to provide outstanding service to our customers.

We plan to extend this test to SFO, effective August 15, 2005, which will affect your current position as a Customer Service Sky Cap. This position is being restructured and will require different skills from those used today, including collection of baggage fees and reconciling cash deposits, entering data into computer masks and assigned shift work.

Because the restructured position is somewhat different from your current position, you have the option to elect layoff. You would be eligible for regular severance pay, as described in the Employee Policy Guide.

If you would like to elect this offer, please complete the attached form and return it to me no later than August 15, 2005. If you choose not to elect layoff, you will work with your manager to arrange training and scheduling for transition to the newly created position.

Sincerely,



Ron Olson
Passenger Service Manager, SFO

Attachment: Layoff Form

cc: Personnel File
Talent Services – MD 5177 HDQ1

Personally handed to employee

Date 8/11/05 By [Signature]

8-11-05

PROOF OF SERVICE BY FAX AND MAIL

I, the undersigned declare:

I am over the age of eighteen. I am not related to the parties in this action. I may be reached at the Law Office of Frederick C. Roesti, 1095 Market Street, San Francisco, CA 994103, Tel (415) 552-3733.

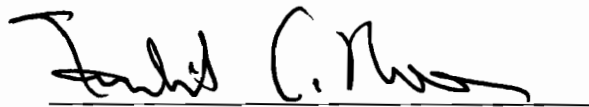
I served the the following documents:

DECLARATION OF FREDERICK C. ROESTI

By FAX and by MAIL as follows: I faxed the documents to the following fax number and I mailed documents by placing them in an envelope with postage paid and placed in the United States Mail addressed to:

Fax (916) 561-0828
Kenneth R. O'Brien, Esq,
Littler Mendelson
2520 Ventura Oaks Way, Suite 390
Sacramento, CA 95833-4227
on the date listed below.

I have read the above statement and declare under penalty of perjury under the laws of the State of California that it is true and correct and was executed in San Francisco, California on May 19, 2007



Frederick C. Roesti